

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Civil Action No.
03 MDL 1570 (RCC)**

-----X

This document relates to:

Burnett, et al v. Al Baraka Investment & Development Corp., et al, Case No. 03-cv-9849
(S.D.N.Y.)

**NOTICE OF MOTION TO SUBSTITUTE PARTIES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 15(d)**

Pursuant to Federal Rule of Civil Procedure 15(d), Plaintiffs herein move the Court to allow substitution of the parties as identified on Exhibit A in the above-referenced action. The individuals being substituted into the case were identified as “DOE” plaintiffs at the commencement of this litigation (or at such time as they were added to this litigation pursuant to the Case Management Orders in effect); were identified as “DOE” plaintiffs in Plaintiffs’ Amended Complaint Adding Defendant Kingdom of Saudi Arabia (*see* ECF No. 3477); and have since consented to being named in the Complaint according to their legal name.

Exhibit A identifies each of the former “DOE” plaintiffs to be substituted in the pleading according to the manner in which they were initially named in the Complaint and also identifies them according to how they wish to proceed going forward. At the outset of this litigation, these plaintiffs feared reprisals by defendants for engaging in litigation seeking justice against alleged intentional tortfeasors for their role in the terrorist attacks on September 11, 2001. Now, over 18 years after the attacks took place (and over 17 years since the initial *Burnett* Complaint was filed in the District of Columbia), these plaintiffs now wish to proceed without a pseudonym and in their legal names.

Plaintiffs submit that filing this motion for substitution on behalf of a larger group of individuals rather than filing individualized, piecemeal, motions serves to support efficiency and

comports with the purposes of the Federal Rules to “be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” *See* Fed. R. Civ. P. 1. Plaintiffs submit that by allowing this motion to proceed, the Court and plaintiffs can avoid the filing of 181 separate motions for substitution accompanied by 181 separate proposed orders for the Court’s signature.

Further, Plaintiffs propose that, upon endorsement of Plaintiffs’ Proposed Order, each substituted party would be individually entered as a Plaintiff into the Court’s ECF system to ease the burden on the Clerk of the Court’s Office and the size of this MDL.

For the foregoing reasons, Plaintiffs submit that this motion should be granted, and the Court should permit each of the 181 individuals named in Exhibit A to proceed in their given names rather than pursuant to a pseudonym.

Dated: November 12, 2019

Respectfully submitted,

/s/ John M. Eubanks

Robert T. Haefele, Esq. (NY Bar #RH2811)

John M. Eubanks, Esq.

MOTLEY RICE LLC

Mount Pleasant, SC 29464

Telephone: (843) 216-9000

Facsimile: (843) 216-9450

rhaefele@motleyrice.com

jeubanks@motleyrice.com

COUNSEL FOR PLAINTIFFS